

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JUSTIN ODELL LANGFORD,

Plaintiff,

v.

CHARLES DANIELS, *et al.*,

Defendants.

Case No. 3:22-cv-00482-MMD-CSD

ORDER

On October 31, 2022, Plaintiff Justin Odell Langford, who is incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), initiated this prisoner civil rights action under 42 U.S.C. § 1983. (ECF No. 1-1.) On June 20, 2023, Interested Party NDOC filed a suggestion of death on the record for Defendant Richard Snyder. (ECF No. 24.)

Under Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). On June 22, 2023, under Rule 25(a)(1), the Court directed any party or the decedent’s successor or representative to file a motion for substitution within 90 days and warned that failure to do so would result in the dismissal of the claims against Snyder. (ECF No. 26.)

On June 27, 2023, Plaintiff filed a motion to substitute Snyder’s widow. (ECF No. 28.) United States Magistrate Judge Craig S. Denney denied the motion to substitute because he determined that Snyder’s widow was not a proper party for substitution. (ECF No. 33.) Plaintiff has not since filed a motion to substitute a proper defendant, and the 90-day period has passed. The Court therefore dismisses the claims against Snyder.

1 It is therefore ordered that the claims against Defendant Richard Snyder are
2 dismissed under Federal Rule of Civil Procedure 25(a)(1).

3 DATED THIS 6th Day of October 2023.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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